

Restricted Disclosure of Arrests or Convictions

What is restricted disclosure?

Under certain circumstances, individuals who have been arrested and/or convicted of certain crimes in the past may have the release of information about those crimes restricted. Any case that has been restricted will not show up on a criminal history check by non-criminal justice organizations or individuals. The restricted case is not expunged (erased) from the criminal history; it is just not available to the requesting non-criminal organization or individual. However, sometimes the requesting party may petition a court to release the restricted criminal history. Criminal justice organizations will continue to have access to these records.

Who is eligible to have past criminal cases restricted from a criminal history check?

Indiana Code 35-38-5-5.5 may be available to a person who has been:

- arrested for an offense that was *not charged*; or
- arrested for an offense that was later *dismissed*; or
- charged with a crime(s) and later *acquitted* of all criminal charges; or
- convicted of an offense and the conviction was later *vacated*.

Indiana Code 35-38-8-1 through 7 is available to a person who:

- Has been convicted of a class A misdemeanor or class D felony *that did not result in injury to another person*; and
- Files the petition to restrict disclosure at least eight (8) years after the date the person's sentence was completed and all obligations associated with that sentence have been satisfied; and
- Has had no felony offenses charged since the completion of all of the obligations associated with the crime(s) for which Petitioner is seeking restricted disclosure; and
- Is not a sex or violent offender.

How to request restricted disclosure of a criminal case:

- Select the applicable petition and provide all of the information requested. Failure to complete the entire petition may result in the request being denied by the court.
- A separate petition must be completed for each case for which an individual wants disclosure restricted.
- After the petition is complete, it must be filed in the court where the case was originally charged.
- If there was an arrest, but no criminal charge filed, the completed petition should be taken to the County Clerk's Office to be filed.

The person filing the petition to restrict disclosure must also provide the applicable Order and six (6) stamped envelopes addressed to the Petitioner and the agencies or organizations that will be receiving the Order from the court.

If there are any questions, contact the County Clerk.

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- (Provide names of crimes)

(indicate whether crime is a misdemeanor or D felony)

(identify court and cause number)

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5. The Petitioner has completed all requirements of the sentence and any obligations associated with the sentence.
6. It has been at least eight (8) years since all requirements and obligations associated with the sentence have been completed.

7. Petitioner is not a sex or violent offender.
8. If the conviction was for sexual misconduct with a minor, Petitioner has submitted proof that the defenses provided under I.C. 35-42-9(e) apply to Petitioner.
9. Petitioner has not been convicted of a felony since completing the sentence and all obligations imposed by the sentence.
10. The Petitioner is serving a copy of this document on the County Prosecutors Office and the Indiana State Police, which maintains the state central repository for records.

WHEREFORE, the Petitioner, respectfully requests this Court to direct all law enforcement agencies, the state central repository for records, the Court Administrator's Office, and any other agencies that have provided services to Petitioner under court order, to restrict disclosure of the conviction of Petitioner in this cause, including any record and notations of the arrest and charges, to all noncriminal justice organizations or individuals without a court order.

Respectfully submitted,

Petitioner

VERIFICATION

I affirm, under the penalties for perjury, that the foregoing representations are true and accurate.

Petitioner

IN THE SUPERIOR COURT

CAUSE NO. _____

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT the agencies listed below shall not permit any records, documents or information relating to:

[Insert name of Petitioner, DOB, Cause Number of case, Date of Arrest]

be disclosed to noncriminal justice organizations as part of Petitioner's limited criminal history.

IT IS FURTHER ORDERED THAT the agencies and/or organizations listed below shall not release said records or information to a noncriminal justice organization without a court order:

_____ County Sheriff's Department _____ Police Dept.
Indiana Department of Corrections

So Ordered this _____ day of _____, 20____.

JUDGE/JUDICIAL OFFICER

Distribution To:

Petitioner: _____

Address: _____

_____ Police Department

[insert address]

Indiana State Police
Records Division
Indiana Government Center North
100 North Senate Avenue
Indianapolis, Indiana